

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

CORLINE ALLEN, ET AL.

v.

MCWANE, INC.

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CIVIL ACTION NO. 2:06-CV-158

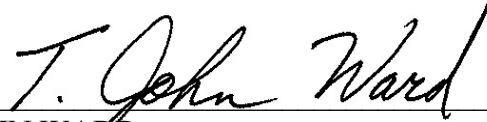
ORDER AND RULE 54(b) JUDGMENT

The above-titled and numbered civil action was heretofore referred to United States Magistrate Judge Chad Everingham pursuant to 28 U.S.C. § 636. The report of the Magistrate Judge, which contains his proposed findings of fact and recommendation for the disposition of the defendant's first motion (#90) for summary judgment, has been presented for consideration. The plaintiffs have filed an objection to Judge Everingham's report and recommendation. The undersigned has reviewed Judge Everingham's report and recommendation and the plaintiffs' objections. The undersigned overrules the plaintiffs' objections and adopts the findings and conclusions contained in Judge Everingham's report and recommendation.

The defendant's first motion for summary judgment (#90) is granted.

The plaintiffs' motion to enter judgment under Rule 54(b) is granted. There is no just reason for delay, and the court renders judgment dismissing all of the opt-in plaintiffs' claims for overtime compensation for time spent donning and doffing protective gear at the beginning and end of the plaintiffs' shifts at the defendant's unionized facilities. The balance of this case is administratively closed. All other pending motions are denied as moot, without prejudice to re-urging should the case be re-opened in the future.

SIGNED this 24th day of September, 2008.

A handwritten signature in black ink, reading "T. John Ward". The signature is written in a cursive style with a large, stylized "T" and "W".

T. JOHN WARD
UNITED STATES DISTRICT JUDGE